

04-08-01

DAC 0300/18
#3



Attorney Docket No. 58587.000003
Customer No. 27682

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Express Mail Label No
)	EJ154890210US
Jonathan Schull)	
)	
Serial Number: 09/764,293)	Group Art Unit: Unassigned
)	
Filed: January 19, 2001)	Examiner: Unassigned
)	
For: METHOD FOR TRACKING)	
SOFTWARE LINEAGES)	

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS,
PETITION UNDER 37 C.F.R. §1.182, AND
SUBMISSION OF CHANGE OF POWER OF ATTORNEY AND
CORRESPONDENCE ADDRESS

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OFFICE OF PETITIONS

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

This paper is filed in response to the Notice to File Corrected Application Papers ("Notice") dated February 15, 2001, a copy of which is attached hereto. The Notice identified the following issues:

1. The submitted drawing sheet assertedly does not have the appropriate margins; and
2. Page 8 of the specification was assertedly omitted.

Substitute Drawing Sheet

With regard to issue number 1, a substitute drawing sheet that complies with the margin requirements of 37 C.F.R. §1.84 is included herewith.

Petition Under 37 C.F.R. §1.182

With regard to issue number 2, the Applicant contends that the assertedly omitted item was in fact filed in the Patent and Trademark Office with the application papers on January 19, 2001. In support of this contention, the Applicant respectfully submits the following explanation:

The present application is a continuation of application Serial No. 08/631,411, which was prepared by the Applicant himself and filed on April 12, 1996. The specification of the '411 application included an uncaptioned figure in the body of the specification as page 8. Although submitted as a page of the specification, this page was not numbered. A separate drawing sheet was not submitted at the time of filing. When the present continuation application was filed, the filing papers included a copy of the parent application as-filed. This copy thus included the same un-numbered page 8. A separate copy of this page was also submitted as an informal drawing sheet.

Based on the above, the Applicant submits that the present application as filed on January 19, 2001 was complete and was not missing a page as asserted in the Notice to File Corrected Application Papers. The Applicant therefore requests that the entire application be afforded a filing date of January 19, 2001.

Check No. 197340 in the amount of \$130.00 is also attached hereto for the required official fee. Should the Commissioner deem an additional fee necessary, he is authorized to charge Deposit Account No. 50-0206. Applicant respectfully requests a refund for this official fee in view of the above explanation.

Change of Power of Attorney and Change of Correspondence Address

Enclosed herewith is an executed Change of Power of Attorney and Change of Correspondence Address in U.S. Patent Application.

Also enclosed are an Express Mail Certificate and a self addressed stamped return postcard.

Respectfully submitted:



David E. Baker
Registration No. 42,285

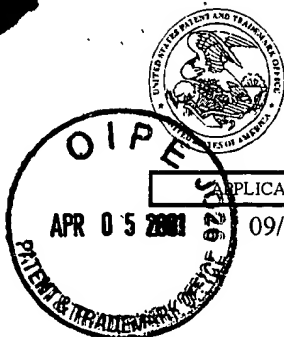
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
(804) 788-8762

Date: April 5, 2001

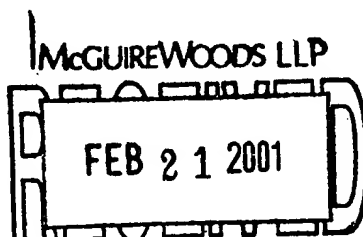
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/764,293	01/19/2001	Jonathan Schull	06620001CA



McGuire Woods, LLP
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1750 Tysons Blvd.
McLean, VA 22102-4215



CONFIRMATION NO. 8797

FORMALITIES LETTER



OC000000005770139

04/05/2001 SHINASS1 00000027 09764293

01/19/2001 130.00 DP

Date Mailed: 02/15/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

04/13/2001 SHINASS1 00000004 09764293

01/19/2001 130.00 DP

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been **omitted** from the application:

- Page(s) **8** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

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III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of:

Nathan Schull

Serial Number: 09/764,293

Filed: January 19, 2001

For: METHOD FOR TRACKING
SOFTWARE LINEAGES

Express Mail Label No
EJEJ154890210US

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

Attn: Initial Patent Examination Division
Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

I hereby certify that this correspondence is being deposited with the United States Postal

Service with sufficient postage as Express Mail in an envelope addressed to:

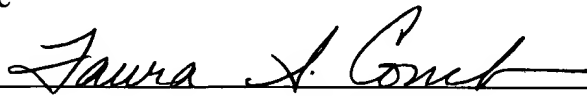
Assistant Commissioner for Patents
Washington, DC 20231

on April 5, 2001
Date

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Signature

Laura A. Couch

Typed or printed name of person signing Certificate

Documents being submitted with this Certificate of Express Mailing include:

- Response to Notice to File Corrected Application Papers, Petition Under 37 C.F.R. §1.182 and Submission of Change of Power of Attorney and Correspondence Address
- Copy of Notice to File Corrected Application Papers dated February 15, 2001
- Substituted Drawing (1 page)
- Executed Change of Power of Attorney and Change of Correspondence Address
- Check No. 197340 in the amount of \$130.00
- Self Address Stamped Return Postcard

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